

**DURHAM, NORTH CAROLINA
MONDAY, FEBRUARY 5, 2001
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Absent: Council Member Edwards.

Also present: Interim City Manager Greg Bethea, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Tennyson called the meeting to order and at that time, Mayor Pro Tempore Clement announced that he attended the Eagle Village Showcase and gave a summary of the Undoing Racism Conference he attended in Frisco, TX, February 1-3, 2001.

Council Member Wagstaff commented on the new Fayetteville Street Police Sub-station for District 4 and invited her colleagues to attend the open house scheduled for February 6.

Mayor Tennyson noted that he attended the open house for Rebuild Durham.

Also, the Mayor announced that Council Member Edwards was sick and would not be in attendance for tonight's meeting.

Mayor Tennyson read the following proclamations: "Because We Care Month" and "Human Relations Week."

Mayor Pro Tempore Clement read resolutions Memorializing Frank G. Burnett and Richard L. Watson, Jr.

Council Member Jacobs read a resolution Honoring William V. Bell.

Mayor Tennyson asked for priority items.

Interim City Manager Greg Bethea recognized William V. Bell, Chair of Triangle Transit Authority (TTA), who briefed Council on the action taken by TTA Board relative to two items of enabling legislations.

William Smith, TTA Board Member, made comments about Triangle Transit Authority.

Jim Ritchey, President of Triangle Transit Authority, gave an overview of TTA's 2001 legislative issues highlighting the state contribution to public transit maintenance, state contribution for TTA's regional rail project, quick take condemnation authority and authorization for regional vehicle registration fee increase.

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Council held discussion on expansion of bus routes, areas of service and utilization of small buses.

William V. Bell, TTA Chair, noted that he would like for the City Council to endorse TTA's legislative issues.

In response to the request from Mr. Bell, the following action was taken by the City Council.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to receive comments and to refer this item to the Finance Committee was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

There were no priority items from the City Attorney and City Clerk.

At this time during the meeting, discussion was held on Supplemental Item #1 [Citizens Committee on Ward Boundaries].

SUBJECT: CITIZENS COMMITTEE ON WARD BOUNDARIES

To consider the proposal from Mayor Nicholas J. Tennyson concerning "Citizens Committee on Ward Boundaries".

Dr. LaVonnia Allison, thanked the Mayor for asking her to serve as Co-Chair of the Citizens Committee on Ward Boundaries. However, she noted that she would not be able to serve as Co-Chair because of her schedule.

[Council held further discussion on this item later in the meeting.]

Mayor Tennyson noted revisions to the Consent Agenda made at the Committee-of-the-Whole Meeting. Mayor Tennyson asked if any citizen(s) or council member(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting.

Relative to Consent Item #22 [STREET CLOSING - SC99-8, ALLEY BETWEEN DUKE STREET AND GREGSON STREET, SOUTH OF TRINITY AVENUE], Mayor Tennyson noted that he belongs to a church near this street closing but does not have any financial interest in this matter.

No items were pulled from the Consent Agenda.

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the Consent Agenda as amended was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs,

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Langley, Larson, McKissick, Stith and Wagstaff. Noes: None.
Absent: Council Member Edwards.

[CONSENT AGENDA]

SUBJECT: PASSENGER VEHICLE FOR HIRE COMMISSION - RE-APPOINTMENTS

MOTION by Council Member Larson seconded by Council Member Jacobs to re-appoint **John Lyon** and **Diane Wright** to the Passenger Vehicle for Hire Commission for terms to expire January 1, 2004 was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: CONTROLLED SUBSTANCE TAX DISTRIBUTION FUND AND FEDERAL ASSET FORFEITURE FUND PROJECT ORDINANCES

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt the "City of Durham and State of North Carolina 'Controlled Substance Tax Distribution' Project Ordinance FY 2000/2001"; and

To adopt the "City of Durham and U.S. Department of Justice 'Federal Asset Forfeiture Funds' Project Ordinance FY 2000/2001 was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Ordinance #12169

Ordinance #12170

SUBJECT: CONTRACT WITH THE HOUSING AUTHORITY OF THE CITY OF DURHAM FOR PROVISION OF SUPPLEMENTAL POLICE SERVICES

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the Interim City Manager to execute a contract with The Housing Authority of the City of Durham for the provision of supplemental police services was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: POLICE DEPARTMENT'S QUARTERLY REPORT FOR FOURTH QUARTER OF CALENDAR YEAR 2000

MOTION by Council Member Larson seconded by Council Member Jacobs

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to receive the Police Department's Quarterly Report for the Fourth Quarter of Calendar Year 2000 was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: WATER AND SEWER FUND POLICY

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a "Resolution Regarding the Water and Sewer Fund of the City of Durham" was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Resolution #8734

SUBJECT: AMENDMENT NUMBER FOUR TO LEASE AGREEMENT BETWEEN THE CITY OF DURHAM AND THE DURHAM BULLS BASEBALL CLUB, INC.

MOTION by Council Member Larson seconded by Council Member Jacobs to approve an addition of picnic patios to the Durham Bulls Athletic Park solely at the cost of the Durham Bulls Baseball Club, Inc; and

To authorize the Interim City Manager to execute Amendment Number Four to the Lease Agreement between the City of Durham and the Durham Bulls Baseball Club, Inc; and

To authorize the Interim City Manager to modify the Amendment prior to execution so long as the changes are consistent with the intent and purpose of the Amendment was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: EAGLE VILLAGE FACADE PROGRAM - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the extension of the contract for use of Community Development Block Grant funds for facade improvements within the Eagle Village commercial area, and to authorize the Interim City Manager to execute the contract amendment and any other documents necessary to provide CDBG funds to this project during the extended contract period was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement

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and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: RESOLUTION SUPPORTING AN INTENSIVE REHABILITATION
ALTERNATIVE TO INCARCERATION**

MOTION by Council Member Larson seconded by Council Member Jacobs to include the "Resolution Supporting an Intensive Rehabilitation Alternative to Incarceration" as a part of the 2001 Legislative Program was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Resolution #8735

**SUBJECT: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN
IMPLEMENTATION**

MOTION by Council Member Larson seconded by Council Member Jacobs to receive the report from the Crime Cabinet concerning "Crime Prevention Through Environmental Design Implementation"; and

To adopt a "Resolution Endorsing Crime Prevention Through Environmental Design (CPTED) Principles" was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Resolution #8736

SUBJECT: CITIZENS ADVISORY COMMITTEE - APPOINTMENTS

MOTION by Council Member Larson seconded by Council Member Jacobs to appoint **Wendy Clark** and **Debra Davis**, terms to expire June 30, 2002, (North East Central Durham area representatives) and **Donald Lee Pridgen**, term to expire June 30, 2001, to the Citizens Advisory Committee was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: RECREATION ADVISORY COMMITTEE - APPOINTMENTS

MOTION by Council Member Larson seconded by Council Member Jacobs to appoint **Joseph E. Kilsheimer** and **Richard Mentock** to the

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Recreation Advisory Committee, terms to expire August 8, 2003 was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: AMENDMENT #1 TO AMENDED AND RESTATED CONTRACT FOR TRANSPORTATION AND DISPOSAL OF SOLID WASTE AND OPERATION OF TRANSFER STATION - BROWNING FERRIS INCORPORATION (BFI)

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the Interim City Manager to execute an amendment to the existing contract with Browning Ferris Incorporation (BFI) to extend the time limit for the installation of equipment for improved operation and to make adjustments in payments for utility costs not incurred; and

To authorize the Interim City Manager to modify the contract amendment before execution provided the modifications do not increase the dollar amount of the contract amendment and are consistent with the general intent of the version of the contract approved by City Council was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: AN ORDINANCE AMENDING THE DURHAM CITY CODE AS IT PERTAINS TO SEPARATE WATER AND/OR SEWER CONNECTIONS FOR INDIVIDUAL STRUCTURES

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt "An Ordinance Amending the Durham City Code to Allow an Additional Exception to the Requirement of Having Separate Water and/or Sewer Connections for Individual Structures" was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Ordinance #12171

SUBJECT: FIRE HYDRANT METERING ORDINANCE AMENDMENT

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt "An Ordinance Amending the Durham City Code to Increase the Deposits for Use of Water from Fire Hydrants and to Establish Administrative Policies Regarding Such Use" was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro

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Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Ordinance #12172

SUBJECT: CONTRACT SR-26 - SANITARY SEWER CLEANING - COMPLIANCE ENVIRONSYSTEMS

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the Interim City Manager to execute a contract with Compliance Environments in the amount of \$67,668.75 for sanitary sewer cleaning (Contract SR-26); and

To authorize the expenditure of up to \$80,000.00 from the Sewer Rehabilitation Account was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: MARTIN LUTHER KING, JR. PARKWAY - RIGHT OF WAY ACQUISITION

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the expenditure of up to \$1,000,000 from the Martin Luther King, Jr. Parkway Account for right of way acquisition was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: FAYETTEVILLE ROAD WIDENING - RIGHT OF WAY ACQUISITION

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the expenditure of up to \$2,300,000 from the Fayetteville Road Widening Account for the right of way acquisition of Phase I of the Fayetteville Road widening project was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: UPDATE ON STORMWATER DRAINAGE PROJECTS ON PRIVATE PROPERTY

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the Administration on the status of Priority One Drainage Project was approved at 8:00 p.m. by the

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following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: NEW AUTOMATED COLLECTION SYSTEM - SOLID WASTE DEPARTMENT

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the Administration concerning the department's new automated collection system to improve performance and reduce operating cost of collections was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: CHANGING SUNSET AVENUE BETWEEN PENNSYLVANIA AVENUE AND BROAD STREET TO ONE-WAY

MOTION by Council Member Larson seconded by Council Member Jacobs to set a public hearing on Monday, February 19, 2001 to receive citizens' comments concerning the changing of Sunset Avenue between Pennsylvania Avenue and Broad Street to one-way was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: SITE PLAN APPROVAL - BRIDGEFIELD APARTMENTS

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a site plan for Bridgefield Apartments, submitted by RL Horvath Associates, Inc. on behalf of Ticon, Inc., consisting of 72 apartments on a 6.0 acre portion of a ±9.72 acre site zoned RM-12 and located north of NC 147, west of US 15-501 Bypass, east of Bridgefield Place and Vincent Avenue (unopened), and south of the Southern Railroad right of way. (Tax Map #276-04-1, 2 and #277-2-2; PIN #0812-10-36-5140, #0812-10-35-9912, #0812-10-45-3715) was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: STREET CLOSING - SC99-8, ALLEY BETWEEN DUKE STREET AND GREGSON STREET, SOUTH OF TRINITY AVENUE

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution declaring the intent of the City Council to consider permanently closing 726.18 linear feet (10,893± square

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feet) of the alley between Duke Street and Gregson Street, south of Trinity Avenue and setting a public hearing on Monday, February 19, 2001 to consider closing the alley between Duke Street and Gregson Street, south of Trinity Avenue was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Resolution # 8737

SUBJECT: ADEQUATE PUBLIC FACILITIES

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt the "surrogate for adequacy" philosophy report as the basis for considering and implementing an Adequate Public Facilities study and ordinance was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: BID - ONE FIRE AND RESCUE PUMPER - C. W. WILLIAMS & COMPANY, INC.

MOTION by Council Member Larson seconded by Council Member Jacobs to accept the bid from C. W. Williams & Company, Inc., in the amount of \$218,412.00 for furnishing the City with a fire and rescue pumper; and

To authorize the Interim City Manager to enter into a contract with C. W. Williams & Company, Inc. in the amount of \$218,412.00 for furnishing the City with a fire and rescue pumper; and

To authorize the Interim City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: BID - ESTIMATED TWO-YEAR REQUIREMENTS FOR ON-ROAD AND OFF-ROAD DIESEL FUEL (TRANSPORT LOAD) - PETROLEUM TRADERS CORPORATION

MOTION by Council Member Larson seconded by Council Member Jacobs to accept the bid from Petroleum Traders Corporation in the amount of \$1,133,236.50 for furnishing the City with its estimated two-

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year requirements for on-road and off-road diesel fuel (transport load); and

To authorize the Interim City Manager to enter into a contract with Petroleum Traders Corporation in the amount of \$1,133,236.50 for furnishing the City with its estimated two-year requirements for on-road and off-road diesel fuel (transport load); and

To authorize the Interim City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: STREET ACCEPTANCE

MOTION by Council Member Larson seconded by Council Member Jacobs to accept certain street for maintenance by the City of Durham was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Hope Valley Farms
Sullivan's Trace

- 1) **Nightfall Court** - from the centerline of Edenberry Drive north thru the cul-desac (458); and
- 2) **Nightfall Court** - from the centerline of Edenberry Drive south thru the cul-de-sac (314'); and
- 3) **Edenberry Drive** - from the centerline of Dolwick Place west past Nightfall Court to the centerline of Roxboro Street (787').

Newhall Village

- 1) **Newhall Road** - from the end of existing pavement south thru the cul-de-sac (680') and
- 2) **Donnelly Court** - from the centerline of Newhall Road west thru the cul-de-sac (211'); and
- 3) **Pendelton Court** - from the centerline of Newhall Road south thru the cul-de-sac (402).

St. Thomas Place

- 1) **Kersey Court** - from the centerline of Southpark Drive west thru the cul-de-sac (452').

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Lincoln Park West

- 1) **Presidential Drive** - from the north curb line of T.W. Alexander Drive north to the end of the pavement (823').

Pagehurst - Phase I

- 1) **Pageford Drive** - from the south curb line of Lumley Road south then west to the centerline of Appling Way (1,691'); and
- 2) **Aluston Court** - from the centerline of Pageford Drive northwest thru the cul-de-sac (289'); and
- 3) **Manor Court** - from the centerline of Pageford Drive south thru the cul-de-sac (348').

Lakehurst Pointe

- 1) **Shalimar Drive** - from the west curb line of Grandale Drive west then south to the existing pavement (1,265'); and
- 2) **Wayland Court** - from the centerline of Shalimar Drive north thru the cul-de-sac (156'); and
- 3) **Landreth Court** - from the centerline of Shalimar Drive south thru the cul-de-sac (785'); and
- 4) **Ainsley Court** - from the southeast curb line of Herndon Road southward then west thru the cul-de-sac (775').

Additional Streets

- 1) **Lexington Street** - from the centerline of Nation Avenue south to the centerline of Francis Street (1,320').
- 2) **Hilton Avenue** - from the centerline of Lexington Street east to the beginning of previously existing pavement (300').

Note: The Northeast Creek Parkway was removed from the acceptance list.

SUBJECT: STOP SIGN - CANDLEWICK WAY

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of a stop sign on Candlewick Way at Horton Road, north corner was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Ordinance #12173

SUBJECT: STOP SIGN - SOFT TREE LANE (COUNTRY CLUB HEIGHTS)

MOTION by Council Member Larson seconded by Council Member Jacobs

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to adopt an ordinance authorizing the installation of a stop sign on Soft Tree Lane (private) at Country Club Drive, northwest corner was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Ordinance #12174

SUBJECT: PARKING PROHIBITION - CORPORATION STREET

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance to prohibit parking on the south side of Corporation Street, in the area beginning at the west curb line of Liggett Street, if extended, and extending for a distance of 125 feet westwardly was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Ordinance #12175

SUBJECT: SETTING PUBLIC HEARINGS TO CONSIDER ORDERING CERTAIN IMPROVEMENTS UNDER THE ENABLING ACT AUTHORITY

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt resolutions setting public hearings on Monday, February 19, 2001 to consider ordering the following improvements was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

- a. **Sewer Main - Broad Street** from Murray Avenue to north property line of Tax Map #326-02-005, and
- b. **Sewer Main - Howe Street** from the west property line of Tax Map #764-3-18 to Sparger Road and **Sparger Road** from Howe Street to the north property line of Tax Map #764-14-1.

SUBJECT: SETTING PUBLIC HEARINGS FOR CONFIRMATION OF CERTAIN ASSESSMENT ROLLS

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt resolutions setting public hearings for February 19, 2001 for confirmation of the following assessment rolls was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes:

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None. Absent: Council Member Edwards.

- a. **Sidewalk - Acadia Street** from north property line of Tax Map #108-5-7 south 66 feet to the existing sidewalk,
- b. **Curb, Gutter and Paving - Booker Avenue** from Larchwood Drive to Buxton Avenue,
- c. **Water and Sewer Laterals - Booker Avenue** from Larchwood Drive to Buxton Avenue,
- d. **Curb, Gutter and Paving - Booker Avenue** from Cook Road to Buxton Drive,
- e. **Water and Sewer Laterals - Booker Avenue** from Cook Road to Buxton Drive,
- f. **Sewer Main - Booker Avenue** from Cook Road to Buxton Drive,
- g. **Sewer Main - Gus Road** from west property line of Tax Map #664-4-3 to Robbins Road and **Robbins Road** from the centerline of Gus Road to the centerline of Chickasaw Road,
- h. **Water Main - Hardee Street** from Landon Street to Fiske Street,
- i. **Sewer Main - Hardee Street** from Landon Street to Fiske Street,
- j. **Sewer Main - North Hoover Road** from Southerland Street to south property line of Tax Map #627-2-9.

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the official minutes of the following City Council Meetings was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

November 6, 2000 - Regular Meeting
November 20, 2000 - Regular Meeting
November 20, 2000 - Special Meeting
December 1, 2000 - Special Meeting
December 4, 2000 - Regular Meeting
December 4, 2000 - Special Meeting
December 14, 2000 - Special Meeting
December 18, 2000 - Regular Meeting.

[GENERAL BUSINESS AGENDA]

February 5, 2001

[PUBLIC HEARINGS]

SUBJECT: SEWER MAIN - HADDON ROAD FROM THE WEST PROPERTY LINE OF TAX MAP 448-3-8 TO THE EAST PROPERTY LINE OF TAX MAP 448-3-6 AND **DOUBLEDAY PLACE** FROM HADDON ROAD TO NORTH PROPERTY LINE OF TAX MAP 448-4-1

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution ordering sewer main improvements on Haddon Road from the west property line of Tax Map 448-3-8 to the east property line of Tax Map 448-3-6 and Doubleday Place from Haddon Road to the north property line of Tax Map 448-4-1 was approved at 8:01 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: SEWER MAIN - ARDMORE DRIVE FROM THE EAST PROPERTY LINE OF TAX MAP 509-1-4 TO THE SOUTH PROPERTY LINE OF TAX MAP 509-2-3B (ENABLING ACT AUTHORITY)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution ordering sewer main on Ardmore Drive from the east property line of Tax Map 509-1-4 to the south property line of Tax Map 509-2-3B under the Enabling Act Authority was approved at 8:01 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: 2001-02 ANNUAL ACTION PLAN "NEEDS" PUBLIC HEARING

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments on community development needs and the use of Community Development Block Grant and HOME funds within

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the Durham community was approved at 8:01 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: VOLUNTARY ANNEXATION PETITION SUBMITTED PRIOR TO JULY 1, 2000 - TRIAD ANNEXATION/SHERRON ROAD (2001-05)

a. Annexation

Ruffin Hall, of Budget Office, commented on this item and noted a Special Zoning Committee Meeting will be held on Thursday, February 8 to discuss the rezoning.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

Council Member Hill disclosed that he owns property in a partnership adjoining this area but does not have any financial interest in this annexation.

Council held discussion on a letter received from County Manager Michael M. Ruffin expressing infrastructure concerns raised by members of the Board of County Commissioners concerning this annexation.

Council Member Blyth asked City Attorney Henry Blinder if there was a legal/valid reason to not annex when the owner is voluntarily petitioning within the urban growth boundary.

City Attorney Henry Blinder made comments relative to it not being a legal issue.

Council Member Blyth noted that she would like to see the developer communicate with the County and School system to make sure what they are proposing will meet the infrastructure needs.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning annexation of Triad Annexation/Sherron Road, approximately 712 acres non-contiguous to the City limits, located on or off the southeast side of Sherron Road between the intersections with U.S. 70 and with Holder Road; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (Triad Annexation/Sherron Road)" was approved at 8:06 p.m. by the following vote: Ayes: Mayor

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Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Ordinance #12176

b. Supplemental Fire Protection Services

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the Interim City Manager to execute an amendment to modify the existing half-base contract with Bethesda Volunteer Fire Department to provide supplemental fire protection for the Triad Annexation/Sherron Road area over a five-year period with the same terms and conditions as services are provided to other areas in such contracts was approved at 8:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT VOLUNTARY ANNEXATION PETITION SUBMITTED PRIOR TO OCTOBER 1, 2000 - GUESS ROAD SUBDIVISION (2001-09)

Ruffin Hall, of Budget Office, made comments on this item.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Stith to receive citizens' comments concerning annexation of Guess Road Subdivision, 52.48 acres contiguous to the City Limits, located on the east side of Guess Road north of Dover Ridge Subdivision; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Guess Road Subdivision)" was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick and Stith. Noes: Council Member Wagstaff. Absent: Council Member Edwards.

Ordinance #12177

SUBJECT: ZONING CASE: P00-57 - E. T. DEVELOPMENT CORPORATION - 39.08 ACRES WEST OF FAYETTEVILLE STREET, NORTH OF PANAMA TERRACE, SOUTH OF HANSON ROAD AND EAST OF MIMOSA DRIVE

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Case: P00-57

Applicant: E. T. Development Corporation

Location: 39.08 acres west of Fayetteville Street, north of Panama Terrace, south of Hanson Road and east of Mimosa Drive

Request: Rezoning from R-10 (Residential 10 District) and R-20 (Residential 20 District) to PDR-3.84 (Planned Density Residential District with a maximum of 3.84 units per acre)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-10 and R-20 and placing same in and establishing same as PDR-3.84.

Zoning Committee's Recommendation and Vote: Denial (0-6)
(Commissioner Edwards abstained due to a stated conflict of interest)

Planning Department's Recommendation: Denial

Mayor Tennyson made comments about a letter he received from Richard Prentice requesting a deferral until the April 2, 2001 City Council Meeting due to transportation issues.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

MOTION by Council Member McKissick seconded by Mayor Pro Tempore Clement to continue the public hearing without further advertising until the April 2, 2001 City Council Meeting was approved at 8:08 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: ZONING CASE: P00-69 - JLG CORPORATION - 29.83 ACRES ON THE WEST SIDE OF FAYETTEVILLE ROAD, SOUTH OF MASSEY CHAPEL ROAD (TAX MAP 529, BLOCK 1, LOTS 16 AND 16B)

Case: P00-69

Applicant: JLG Corporation

Location: 29.83 acres on the west side of Fayetteville Road, south of Massey Chapel Road (Tax Map 529, Block 1, Lots 16 and 16B)

Request: Rezoning from RD (Rural District) to PDR 2.38 (Planned Density Residential District)

Zoning Committee's Recommendation and Vote: Approval (7-0)

Planning Department's Recommendation: Approval

Norman Standerfer, City/County Planning Director, indicated that

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the location for this matter should read 29.83 acres on the west side of Fayetteville Road, instead of on the east side.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponent

Tony Tate, representing the applicant, spoke in support of this item.

No one spoke in opposition to the rezoning.

Mayor Tennyson declared the public hearing closed.

Council held discussion on the potential connection to the north and the American Tobacco Trail.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Stith to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD and placing same in and establishing same as PDR 2.38 was approved at 8:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: ZONING ORDINANCE TEXT AMENDMENT

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to receive citizens' comments concerning "An Ordinance to Amend the Durham Zoning Ordinance to Revise Required Open Space Standards in Planned Density Residential Districts and Multifamily Residential Districts"; and

To adopt "An Ordinance to Amend the Durham Zoning Ordinance to Revise Required Open Space Standards in Planned Density Residential Districts and Multifamily Residential Districts"--TC 111-00 was approved at 8:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Joint City-County Planning Committee's Recommendation: Approval

Zoning Committee's Recommendation: Approval

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Durham Open Space and Trails Commission's Recommendation: Approval

Planning Department's Recommendation: Approval

Ordinance #12178

SUBJECT: STREET IMPACT FEES

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Diane Wright, of Affordable Housing Coordination Committee, expressed concern that the proposed increase in street impact fees would have a negative effect on affordable housing and suggested an impact fee rebate [see handout].

Rich Lee, of Affordable Housing Coalition, asked Council to analyze the impact the proposed fee would have on affordable housing development and recommended that the County staff be involved in crafting a program to address both City and County development fees.

David Morris, representing Home Builders Association of Durham and Orange Counties, expressed concerns that very few roads have been improved, setting the proposed fee as a percentage of the maximum allowable is a problem, the current system will get no facilities built in a shorter period of time. Also, he spoke in support of changing the level of service to D.

Phillip L. Vereen, of Durham Chamber of Commerce, expressed concern about the increase but will support a fair and equitable street impact fee ordinance.

Cliff Zinner, of Raleigh-Durham Construction Company, expressed concern about the burden the impact fee will have on affordable homebuyers.

Anne Stoddard, representing NAIOP, made comments on how the impact fee can affect Durham and suggested an alternative proposal for fees and implementation.

Patrick Byker, representing Friends of Durham, expressed concern about the increase. He discussed phasing in two increases over the next few years rather than one huge increase.

Jed Drake, representing Imperial Center, spoke in favor of NAIOP's proposal.

Gregg Sandreuter, representing NAIOP, commented on how the impact fee will affect job growth in Durham.

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Mike Winters, representing NAIOP, spoke in opposition to the increase. He noted it would make houses unaffordable and create a potential for competition, revenue loss, sprawl and traffic.

Robert Sonnhalter, representing First Union National Bank, asked Council to adopt a moderate impact fee that NAIOP has presented and to implement a fee structure that everyone can live with.

Bob Yelverton, of Lichtin Corporation, spoke in support of an increase in impact fees as long as it's reasonable and that the existing transportation deficiencies are concurrently addressed by the City.

Randy Roberson, representing NAIOP, spoke in opposition to the proposal noting that Council must create an equitable solution for stakeholders. He stated that if individual municipalities raise fees without the regional cooperation and support of other municipalities, it would only push growth in other areas of the region.

Regis de Ramel, representing CMD Realtors & Investors, noted that by maintaining impact fees at a reasonable level over the past decade, it has allowed Meridian Business Campus to compete with the best Raleigh and Cary has to offer.

Andrew Kelton, representing NAIOP, spoke in support of NAIOP's proposal noting it's a fair alternative.

Robert D. Teer, Jr., representing NAIOP, urged Council to adopt the NAIOP's recommendation and keep Durham competitive.

Craig Richardson, representing Durham Chamber of Commerce, urged Council when considering impact fees do it in a way that is comprehensive and fair.

Jim Schepp, 2702 Stuart Drive, spoke in opposition against a dramatic increase in the impact fees.

Adam Golden, representing Triangle Apartment Association, voiced his concern with the proposed increase in impact fees.

Lee Johnson, representing Mechanics and Farmers Bank, spoke in opposition to the level of the increase of the impact fees. He noted that the level that has been proposed is exceedingly high at this time and would certainly drive business and development from Durham.

Alan Williams, representing local contractors, asked Council to re-look at the proposal and do what NAIOP has suggested.

Steve Hubrich, representing Hock Development Corporation, spoke in opposition to the increase noting that raising fees would be counterproductive because less growth will occur.

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Ted Conner, representing Durham Chamber of Commerce, expressed concern about the impact fees and asked Council to advise staff to work with the Chamber in looking at innovative measures.

John Schlichenmaier, 115 Fox Briar Lane, Cary, NC, spoke in opposition to the increase in impact fees.

Steve Bocciono, 7340 Abron Drive, spoke in support of the increase. He noted that there should be good, fair impact fees and 30% is not too much.

Mayor Tennyson declared the public hearing closed.

A motion was made by Council Member Larson seconded by Council Member Jacobs to approve the item as printed on the agenda.

Council Member Stith made a friendly amendment to the motion to request staff to reach out to NAIOP, Durham Chamber of Commerce, and other individuals to craft an impact structure that would be equitable.

Council Member Larson accepted the friendly amendment.

Council Member Blyth asked staff to involve the representatives from the non-development community as well.

Council Member Blyth expressed concern about the community's lack of understanding on the utilization of impact fees and asked the administration (City Manager and Finance Department) to come up with a summary analysis/report for review by Council.

Mayor Pro Tempore Clement asked the administration about the process relative to staff working with the individuals speaking to these concerns.

Interim City Manager Greg Bethea noted that staff will receive comments heard tonight and report back at the March 5, 2001 City Council Meeting.

Mayor Tennyson indicated that this matter will be placed on the Finance and Public Works agendas.

Council Member Hill asked staff about the downtown zone revision.

Acting Assistant City Manager Laura Gill distributed a handout outlining the current configuration of the downtown zone. She noted that she is working with the consultant concerning the traffic analysis zones and made comments about the administration's current proposal for impact fees relative to banks, restaurants and daycares.

Council held discussion on growth, development, Durham remaining an affordable and competitive community, citizens' comments, road improvements, methodology, impact fees, downtown zone, budgetary

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issues, property tax increase and infrastructure.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the Administration; and

To receive citizens' comments on proposed street impact fee changes and proposed change in Level of Service from "C" to "D"; and to direct the administration to work with citizens [NAIOP and Durham Chamber of Commerce] and non-development community groups was approved at 9:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

[OTHER MATTERS]

SUBJECT: ESTABLISHMENT OF A CITY POLICY CONCERNING AMENDMENTS TO ADOPTED LAND USE PLANS

A motion was made by Mayor Pro Tempore Clement seconded by Council Member Stith to approve the item as printed on the agenda.

Mayor Tennyson made comments concerning an amendment and asked for an inclusion of a "logic exception" to the quarterly review of the small area plan change/zoning requests be referred to the Joint City/County Planning Committee with a request for expedited review and for the JCCPC to report back with their recommendation. [See Mayor Tennyson's memo dated February 1, 2001].

Mayor Pro Tempore Clement noted that the Mayor's suggestion is a part of his motion.

Mike Shiflett, Inter-Neighborhood Council, thanked the Council for changing the timeframe for procedures for the land use plan amendments and quarterly reviews. He made comments about the notification process and urged Council to look at the requirement for notifying neighborhood associations and residents by increasing the distance.

Milo Pyne, 806 Vickers Avenue, urged Council to adopt the same plan already adopted by the Board of County Commissioners.

Council Member McKissick made comments concerning Attachments 1 & 2, and the notification process.

A friendly amendment was made by Council Member McKissick stating: "Property owners within the area, and within 600 feet of the boundary of the change will be notified, in addition to neighborhood associations within 1 mile of the proposed change".

Mayor Pro Tempore Clement accepted the friendly amendment.

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Council Member Larson noted that he would place the Mayor's suggestion on the JCCPC's agenda on Wednesday for consideration.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Stith to adopt "A Resolution Proposing a Plan Amendment Process for Rezoning in Significant Conflict with Adopted Plans--shown as Attachment 1--City version in ATTACHMENT #PW-19; and

To approve the "Procedure for Land Use Plan Amendments [as amended] Considered Quarterly as recommended by JCCPC"--shown as Attachment 2--City version in ATTACHMENT #PW-19; and

To refer the information regarding expedited consideration by Planning Commission in narrowly defined circumstances proposed by Mayor Tennyson to the Joint City/County Planning Committee was approved at 9:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Resolution #8738

SUBJECT: APPEAL OF THE DECISION BY THE PASSENGER VEHICLE FOR HIRE COMMISSION REGARDING THE SUSPENSION OF AN OPERATOR'S PERMIT - MR. ROBERT BURTON

To hear an appeal by Mr. Robert Burton on the decision by the Passenger Vehicle for Hire Commission to suspend his Operator's Permit.

To conduct the appeal under Chapter 22, Section 22-79 (a) (2) of the Durham City Code.

A motion was made by Mayor Pro Tempore Clement seconded by Council Member Stith to continue this item until the February 19, 2001 City Council Meeting and to notify Mr. Burton by certified mail that Council is taking this action.

Council held discussion on the previous notice sent to Mr. Burton.

Council Members Cheek, Hill and Blyth spoke in opposition to continuing this matter.

SUBSTITUTE MOTION by Council Member Blyth seconded by Council Member Cheek to consider the appeal heard and to deny appeal **FAILED** at 10:10 p.m. by the following vote: Ayes: Council Members Blyth, Cheek, Hill and McKissick. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Jacobs, Langley, Larson, Stith and Wagstaff. Absent: Council Member Edwards.

MOTION by Mayor Pro Tempore Clement seconded by Council Member

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Stith to continue this item until the February 19, 2001 City Council Meeting and to notify Mr. Robert Burton by certified mail of this action was approved at 10:10 p.m. by the following vote:
Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Council Members Blyth and Hill.
Absent: Council Member Edwards.

SUBJECT: APPEAL OF THE DECISION BY THE PASSENGER VEHICLE FOR HIRE COMMISSION REGARDING THE REVOCATION OF AN OPERATOR'S PERMIT - MR. MILFORD WILLIAMS

To hear an appeal by Mr. Milford Williams on the decision by the Passenger Vehicle for Hire Commission to revoke his Operator's Permit.

To conduct the appeal under Chapter 22, Section 22-79 (a) (2) of the Durham City Code.

Mr. Milford Williams asked the City Council to move this to another date because his attorney could not be present.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Larson to continue this item until the February 19, 2001 City Council Meeting was approved at 10:11 p.m. by the following vote:
Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: 2000 - 2001 BEER AND WINE LICENSES

Mayor Pro Tempore Clement asked that the establishment of Four Way Store be severed.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the Police Department regarding beer and wine licenses; and

To approve the issuance of Beer and Wine Licenses to the establishments listed with the exception of Four-Way Store was approved at 10:14 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: Mayor Pro Tempore Clement and Council Member Stith. Absent: Council Member Edwards.

City Attorney Henry Blinder briefed Council its authority to withhold a privilege license without going through a full quasi-judicial hearing.

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MOTION by Council Member Larson seconded by Council Member Jacobs to approve the issuance of Beer and Wine License to Four-Way Store located at 1313 South Roxboro Street **FAILED** at 10:15 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Cheek, Hill, Jacobs, Larson and McKissick. Noes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Langley, Stith and Wagstaff. Absent: Council Member Edwards.

Council held discussion on the establishment of Four-Way Store.

A motion was made by Council Member Blyth seconded by Mayor Pro Tempore Clement to authorize an evidentiary hearing for Four Way Store.

A substitute motion was made by Council Member McKissick seconded by Council Member Larson to issue a privilege license to Four Way Store and to direct the administration to forward a letter to the ABC Board expressing Council's objections to issuing a permanent license to this establishment.

A substitute motion to substitute was made by Council Member Blyth seconded by Council Member McKissick to reconsider and approve the license, to send the recommendation to the ABC Board noted by the Mayor, and to ask the City manager to work with staff and the police department to determine whether this establishment is a public nuisance.

Council Member Wagstaff asked the administration to determine if this establishment is in an empowerment zone.

Mayor Pro Tempore Clement noted that PAC-4 spoke in opposition to Four Way Store receiving and beer and wine license.

Council Member Blyth asked the administration to provide Council with a schedule of current fees associated with private _____.

SUBSTITUTE MOTION TO SUBSTITUTE by Council Member Blyth seconded by Council Member McKissick to approve the issuance of Beer and Wine License to Four-Way Store located at 1313 South Roxboro Street; and

To direct the administration to send a letter to the ABC Board expressing Council's objection to the issuance of a permit to Four Way Store and to request the manager to work with staff and the Police Department to determine if this establishment is a public nuisance was approved at 10:33 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick and Stith. Noes: Mayor Pro Tempore Clement and Council Member Wagstaff. Absent: Council Member Edwards.

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AGENDA FOR BEER & WINE

RESTAURANTS

*Armadillo Grill on Campus Inc. (B&W on premises)
Duke University (Bryan Center)
Creed Spriggs

*Café Momo (B&W on premises)
4711 Hope Valley Road
A.Yvonne Mendenhall

Grill 55 Restaurant & Lounge (B&W on premises)
2601 Apex Highway
Linda Brandt

*Mally's Place (Wine on premises)
2714 Chapel Hill Road
Simin Rafizadeh

Shanghai Restaurant (B&W on premises)
3433 Hillsborough Road
Lei Lee Yeoh

Bull City Grill (B&W on premises)
2530 Erwin Road
Sal Casabianca

*Corner Pocket (Beer on/off premises)
5234 N. Roxboro Road
William R. Peace

The Italian Garden & Cattleman's (B&W on premises)
3211 Hillsborough Road
Joe Mazzurco

Plaza Latina (B&W off premises)
3801 Wake Forest Highway
Cleto M. Ocampo

*Vincent's Pizza (B&W on/off premises)
607 Broad Street
Dan Aceves

CONVENIENT MARTS

*Four Way Store (B&W off premises)
1313 S. Roxboro Street
Charles M. Njuguna

Lighthouse Food Mart (B&W off premises)
2944 Holloway Street
Peter Kagwanja

*North Driver Mini Mart (Beer off premises)
501 North Driver Street
Mustafa Rashid

United Food Mart (B&W off premises)
3011 Fayetteville Street
Kamal Abu-Hammad

Holloway Street Food Mart (B&W off premises)
1026 Holloway Street
Helen N. Kagwanja

Mike's Stop-N-Go (B&W on premises)
3446 Hillsborough Road
Michael L. Curry

Poe's Farm Fresh Dairy Store (B&W off premises)
2700 Chapel Hill Road
Timothy Earles

GROCERY STORES

Winn Dixie Stores #874(B&W off premises)
4743 S. Apex Highway

Winn Dixie Stores #915(B&W off premises)
2000 Avondale Drive

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Gregory Parrish

Joseph Pack

Winn Dixie Stores #925(B&W off premises)
401 E. Lakewood Avenue
William Hobgood

GAS STATIONS

Bell & Sons Amoco Food Shop (B&W off premises)
218 West Lakewood Avenue
George Bell Jr.

East Campus BP(B&W off premises)
805 Broad Street
Paul Separk

Speedway Superamerica(B&W off premises)
Speedway/Starvin Marvin #101
4525 Chapel Hill Blvd.
Michael F. Mittleman

WHOLESALE MERCHANT

*Costco Wholesale Corporation (B&W off premises)
Costco #249
1510 North Pointe Drive
Brian Keith Minion

SEAFOOD MERCHANT

*Classic Seafood and Mini Mart Inc. (B&W off premises)
111 S. Alston Avenue
Evelyn Evans

PHARMACY

CVS Pharmacy #4444(B&W off premises)
3300 Guess Road
Leslie Person

OTHER MERCHANTS

Bull City Riders(Beer on/off premises)
1311 S. Roxboro Street
Michael Royster

Duke University(B&W on/off premises)
060 West Union Building
James Smith

Duke University East Campus (B&W on/off premises)
East Campus Union
James Herrod

Duke University Food Services(B&W on/off premises)
Bryan Center Union Drive
Ben Pace

Esquire Lounge (B&W on premises)

Hope Valley Country Club(B&W on premises)

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704 Rigsbee Street
Cornelius Hines

3803 Dover Road
William Beruth

*James Joyce Irish Pub (B&W on premises)
912 W. Main Street
Fergus Bradley

Village Bowling Lanes (B&W on premises)
330 Hardee Street
Renee' Murphy

*** indicates new applicants**

At this time, Mayor Tennyson noted that Council Resolutions come through Committee-of-the-Whole but he would like to see them on the Consent Agenda. Also, the Mayor asked that the change be made at the next meeting of the Council Procedures Committee.

SUBJECT: RESOLUTION MEMORIALIZING ALPHONSO "AL" MANN, JR.

MOTION by Council Member Larson seconded by Council Member Jacobs to direct the City Clerk to draft a resolution memorializing Alphonso "Al" Mann, Jr. (former youth football coach) was approved at 10:30 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: RESOLUTION HONORING HILDEGARD RYALS

MOTION by Council Member Larson seconded by Council Member Stith to direct the City Clerk to draft a resolution honoring Hildegard Ryals for her contributions to the environmental stewardship of the New Hope Creek and surrounding areas and other natural assets in Durham City and County was approved at 10:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: RESOLUTION HONORING WAYNE CASH

MOTION by Council Member Larson seconded by Council Member Stith to direct the City Clerk to draft a resolution honoring Wayne Cash for his contributions to preservation of the Eno River and surrounding areas and other natural assets in Durham City and County was approved at 10:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

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[SUPPLEMENTAL ITEMS]

SUBJECT: DESIGNATED AGENT FOR THE HAZARD MITIGATION GRANT PROJECT

MOTION by Council Member Larson seconded by Council Member Stith to adopt a resolution designating the City Manager or the Interim City Manager to act as the City's designated agent for purposes of the hazard mitigation grant project was approved at 10:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Resolution #8733

SUBJECT: DATA OPERATIONS AND MAINTENANCE FACILITY AND MULTI-MODAL TRANSPORTATION CENTER FUNDING

MOTION by Council Member Larson seconded by Council Member McKissick to authorize the reallocation of FY 1999 federal bus and bus facilities grant funding of \$2,310,500 from the Multi-Modal Transportation Facility to the DATA Maintenance and Operations Facility was approved at 10:34 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: CITIZENS COMMITTEE ON WARD BOUNDARIES

To consider the proposal from Mayor Nicholas J. Tennyson concerning "Citizens Committee on Ward Boundaries."

At the beginning of the meeting, Dr. LaVonia Allison made the following comment.

Dr. LaVonia Allison, thanked the Mayor for asking her to serve as Co-Chair of the Citizens Committee on Ward Boundaries. However, she noted that she would not be able to serve as Co-Chair because her schedule.

Council Member Blyth provided a handout and gave a summary of her proposal for a Ward Restructuring process.

Council Member Wagstaff spoke in opposition to Mayor Tennyson's proposal and suggested setting up a series of five meetings.

Council Members Hill, Burnette, Stith and Jacobs spoke in support of Mayor Tennyson's proposal.

A motion was made by Council Member Jacobs seconded by Council Member Stith to endorse the Mayor's Proposal.

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A friendly amendment was made by Council Member Larson to authorize the Mayor to recruit another co-chair.

Council Member Jacobs accepted the friendly amendment.

A friendly amendment was made by Council Member McKissick to ask Dr. Lavonia Allison to find a designee to serve on behalf of the Durham Committee.

Dr. Allison indicated that she would like to assist the Mayor in finding a replacement.

Council Member Blyth spoke in opposition to the Mayor's proposal noting that it does not represent the total community.

MOTION by Council Member Jacobs seconded by Council Member Stith to endorse the Mayor's proposal concerning a "Citizens Committee on Ward Boundaries" and the Mayor, assisted by Dr. Lavonia Allison, will recruit an additional Co-Chair was approved at 10:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick and Stith. Noes: Council Members Blyth and Wagstaff. Absent: Council Member Edwards.

There being no further business to come before the Council, the meeting was adjourned at 10:56 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk